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UNCLAS BUENOS AIRES 001380

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FBI PASS TO DEPUTY DIRECTOR PISTOLE AND ASSISTANT DIRECTOR
FUENTES

E.O. 12958: N/A
TAGS: [PREL](#) [PGOV](#) [KJUS](#) [KCRM](#) [AR](#)
SUBJECT: ARGENTINE POLICE AGENT CLAIMS FBI OFFERED HER
ASYLUM AND WORK IN ADVANCE OF HER APPEARANCE IN MIAMI TRIAL

REF: BUENOS AIRES 1300 AND PREVIOUS

¶1. (SBU) Summary: Argentina's largest circulation newspaper "Clarín" and other media outlets (including television and radio) reported that former airport police agent Maria del Lujan Telpuk claimed the FBI had offered her "political asylum" and help in getting "work," presumably in exchange for altering her testimony in U.S. court. The story also contains alleged counter-claims on the airport conversation by an FBI official. Argentine Minister of Justice Anibal Fernandez took to the airwaves October 8 to question the FBI's attempted "bribery" and its failure to advise Telpuk that she could remain silent. Media coverage in Argentina of Telpuk's allegations is unfortunately damaging the Embassy's position on the independence of judicial processes in the U.S. End summary.

¶2. (SBU) Telpuk is the former Argentine airport police agent who intercepted the infamous cash-filled suitcase brought into Argentine Customs by Venezuelan-American dual national Guido Alejandro Antonini-Wilson and others at a Buenos Aires airport on August 4, 2007. After testifying October 7 in the Miami trial of alleged Venezuelan agent Franklin Duran, Telpuk told "Clarín" (http://www.clarin.com/diario/2008/10/08/elpa_is/p-01776719.htm) that upon arrival at Miami International Airport on September 28, she was intercepted by several FBI officials who interviewed her at the airport for two hours. Telpuk said of the FBI approach: "Between my being scared and exhausted from not having slept at all during the overnight flight, I did not dare to refuse them the interview. I noticed they separated me from my companion."

¶3. (SBU) "They told me that, if during my stay in Miami it became apparent that returning to Argentina would be complicated, for fear or whatever, they could eventually offer me political asylum. And what they did offer me was help in getting a job. They gave me the address of a very important Miami modeling agency and they told me to take my photos there and that things would go very well there. They treated me, or at least they made themselves out to be, very nice at all times."

¶4. (SBU) Telpuk said she was certain that if she had accepted the FBI offers of asylum and work, "some request would have been made in exchange." She said she was certain the FBI did not want her to testify against Antonini or was seeking to discredit her. She said she became indignant by the prosecution's line of questioning during her cross-examination, making her feel like asking for legal counsel.

¶5. (SBU) The Clarín article also cites an unnamed "FBI agent"

who "explained that the conversation at the airport wasn't illegal because Telpuk spoke voluntarily and was not detained or arrested." No other Argentine media included this alleged comment by an FBI official. (Comment: The Clarin correspondent bylined on the story, Ana Baron, has a reputation for making things up, but she's also an aggressive journalist who charges after stories.)

¶16. (SBU) Although other media focused more on Telpuk's assertion in court that Argentine Customs official Jorge Lamastra had urged her to waive inspection of all the luggage that arrived August 4, 2007 on the GOA-chartered flight that brought the infamous suitcase stuffed with \$800,000, they also covered her statements about her September 28 two-hour FBI interview (noting that Duran's defense attorney termed it an "interrogation"). Two dailies, Pagina 12 and Critica, carried the alleged work offer on the front page.

¶17. (SBU) According to Buenos Aires newspaper-of-record "La Nacion" (http://www.lanacion.com.ar/nota.asp?nota_id=1057241), Telpuk testified in court that FBI officials approached her at the airport, showed her their credentials and said they wanted to have a conversation with her. "I had just arrived in Miami and scared by it all, I did not refuse to answer. I was taken by surprise because I never imagined that I would be interviewed by the FBI," she recalled. "La Nacion" reported that, encouraged by defense attorney Shohat's line of questioning, Telpuk said in court that the FBI did not show her a copy of her statement, did not tell her she was free to withdraw from the interview whenever she wanted, and did not tell her she had the option of refusing to answer any of the questions. "La Nacion" noted that she confirmed to the prosecutor that at the conclusion of the interview she said goodbye to the FBI officials with a hug and a kiss for each. "That is my custom," she answered.

¶18. (SBU) Argentine Minister of Justice Anibal Fernandez took to the airwaves October 8 to question the FBI's attempted "bribery" and its failure to advise Telpuk that she could remain silent. He is quoted saying that "this woman is invited to testify for the defense and, when she got there, the FBI grabbed her. No one told her she had the right to remain silent? In Argentina, that would not have happened and those agents would be jailed. They offered Telpuk work and asylum, and that is a form of bribery." Fernandez reiterated his previous assertions that U.S. prosecutors are appointed for political reasons and are "capable of trying to influence what happens. The irregularity of the situation to stain the name of Argentina is clear," concluded Fernandez.

¶19. (SBU) Comment: Unfortunately, Telpuk's statements in court and to the media feed the impression that the USG was seeking to influence a witness. The intense media coverage of her allegations here is damaging to the Embassy's position on judicial independence and is providing fodder for the GOA's contentions of an FBI conspiracy against it. From our vantage point, it would be useful to rebut Telpuk's claim that she was offered a quid pro quo in exchange for favorable testimony.

WAYNE